

COUNTY NOTICES OF PROPOSED RULEMAKING
Pursuant to A.R.S. §§ 49-112(A) or 49-112(B)

MARICOPA COUNTY
ENVIRONMENTAL SERVICES DEPARTMENT - AIR QUALITY DIVISION

1. Heading and number of the proposed rules, ordinances, or other regulations:

Rule 100 (General Provisions And Definitions)
New Rule 201 (Emissions Caps)
Rule 220 (Non-Title V Permit Provisions)
New Rule 347 (Ferrous Sand Casting)

2. Summary of the proposed rules, ordinances or other regulations:

Maricopa County fails to meet the national ambient air quality standards (NAAQS) for carbon monoxide, ozone, and particulates. The proposed revisions to Rule 100 (General Provisions And Definitions), New Rule 201 (Emissions Caps), Rule 220 (Non-Title V Permit Provisions), and New Rule 347 (Ferrous Sand Casting) implement control measures included in the (Arizona) State Implementation Plan (SIP) for the Maricopa County Nonattainment Area. The submission of these rule revisions to the Environmental Protection Agency (EPA) following the Board's approval will complete the SIP revision submittal for each control measure. Following EPA approval, these rules will become part of the SIP and will be subject to federal enforcement under Section 113 of the Clean Air Act.

Maricopa is the only ozone nonattainment area in Arizona. Maricopa County may adopt rules that are more stringent than the State pursuant to Arizona Revised Statutes (A.R.S.) § 49-112 as enacted in 1994 provided that the emission standard is required by law or is necessary and feasible to prevent a significant threat to public health or the environment that results from a unique local condition.

Rule 100 (General Provisions And Definitions)

Maricopa County is proposing to change several definitions, to add definitions, to add Section 400 (Administrative Requirements), and to change Section 500 (Monitoring And Records) in order to make this section more understandable.

The following revisions to Rule 100 are being proposed in response to either comments made during Public Workshops or comments made to the Proposed Air Rule Organization Committee, a committee of Maricopa County Environmental Services Department Staff formed to review the clarity of the Maricopa County Air Pollution Control Regulations:

- Section 108: Corrected an A.R.S. reference per a Staff comment made on April 24, 1997, to the Proposed Air Rule Organization Committee.
- Section 110: Corrected the address for the Maricopa County Environmental Services Department.
- Section 111: Corrected the address for the Maricopa County Environmental Services Department.
- "New" Section 202: Added the definition of "acid", per the Proposed Air Rule Organization Committee Staff Workshop #2 on August 13, 1997.
- Section 204: Added text to match ADEQ R18-2-101(2) (Definition Of Actual Emissions).
- "New" Section 213: Added the definition of "alkaline solution", per the Proposed Air Rule Organization Committee Staff Workshop #2 on August 13, 1997.
- Section 218: Changed the definition of "applicable requirement" to match ADEQ R18-2-101(14) (Definition Of Applicable Requirement). Also, per Staff comments made to the Proposed Air Rule Organization Committee on August 28, 1997, added "as defined in Section 249 of this rule" to Subsection 218.1 and added "Articles 1, 3, 7, and 8" to Subsection 218.2.
- Section 221: Added titles of the most frequently used A.R.S. references in the rules per the Proposed Air Rule Organization Committee meeting on April 22, 1997.
- Section 249: Added the definition of "federal applicable requirement" to match ADEQ R18-2-101(39) (Definition Of Federal Applicable Requirement).
- Section 251: Changed the definition of "final permit" per the Proposed Air Rule Organization Committee Staff Workshop #1 on August 6, 1997.
- "New" Section 252: Added the definition of "fuel oil" per the Proposed Air Rule Organization Committee meeting on June 12, 1997.
- Subsection 255.3: Changed the format of the definition of "major source".
- Section 263: Corrected the definition of "non-precursor organic compound" to match EPA's definition of "volatile organic compounds (VOC)" that became effective November 7, 1996, and that became effective September 24, 1997. Also, changed the format.
- Section 267: Added the definition of "organic liquid" to clarify concepts used in Rule 200 (Permit Requirements).

- "New" Section 286: Added the definition of "solvent-borne coating material" per the Proposed Air Rule Organization Committee Staff Workshop #2 on August 13, 1997.
- Section 292: Changed the definition of "synthetic minor" per the Proposed Air Rule Organization Committee Staff Workshop #2 on August 13, 1997.
- Section 294: Changed the definition of "trade secrets" to match A.R.S. § 49-201(35) per Staff comments made to the Proposed Air Rule Organization Committee on April 8, 1997, and on July 3, 1997.
- "New" Section 400: Added Section 400 (Administrative Requirements) per the Proposed Air Rule Organization Committee meeting on April 17, 1997.
- "New" Section 401: Added Section 401 (Certification Of Truth, Accuracy, and Completeness) and deleted Subsection 301.5 (Certification Of Truth, Accuracy, and Completeness) in Rule 220 per the Proposed Air Rule Organization Committee meeting on April 17, 1997.
- "New" Section 402: Added Section 402 (Confidentiality Of Information), which is a combination of Rule 100, Subsections 507.1, 507.3, and 507.4 and Rule 200, Section 411 (Public Records; Confidentiality) per the Proposed Air Rule Organization Committee meeting on April 17, 1997.
- "New" Section 403: Added Section 403 (Effective Date).
- Section 505: Added "as stated in the Act" to the title of Section 505 per Staff comments submitted to the Proposed Air Rule Organization Committee on April 30, 1997.
- Section 507: Moved Section 507 (Access To And Confidentiality Of Records) to Rule 100, Section 402 (Confidentiality Of Information) per the Proposed Air Rule Organization Committee meeting on April 17, 1997.
- "New" Section 507: Changed Section 507 (Annual Emissions Inventory Report) per Staff comments made to the Proposed Air Rule Organization Committee on April 30, 1997.

New Rule 201 (Emissions Caps)

New Rule 201 describes how a source can incorporate an emissions cap into its permit and describes how a source can trade emissions under an emissions cap. As proposed, an emissions cap is established for an entire source:

1. To limit the emissions of a particular pollutant to a level at or below the applicable requirement for the pollutant, if expressed in tons per year;
2. To limit the emissions of a particular pollutant to a level at or below the source's actual emissions plus the applicable significance level for the pollutant established in Rule 100, Section 285 (Definition Of Significant);
3. To limit the emissions of a particular pollutant to a level at or below the applicable major source threshold for the pollutant; or
4. To limit the emissions of a particular pollutant to a level at or below a source-wide emission limitation for the pollutant voluntarily agreed to by the source pursuant to Rule 220, Section 305 (the Synthetic Minor provisions).

Rule 220 (Non-Title V Permit Provisions)

Rule 220 was adopted by the Board Of Supervisors on November 15, 1993. After having put Rule 220 into practice for 4 years, both Maricopa County Environmental Services Department Staff and the regulated community have discovered that Rule 220 does not allow a permitted source enough flexibility to make source modifications.

Under the November 15, 1993, adopted version of Rule 220, a source that has the potential to emit pollutants below the major source threshold (that is, less than 100 tons per year of any conventional air pollutant) must apply for a Non-Title V permit. Provided the source has submitted a complete Non-Title V permit application that meets the criteria of Rule 220, the Control Officer will issue the source a Non-Title V permit. In addition, under the November 15, 1993, adopted version of Rule 220, once the source has a Non-Title V permit, the source can make routine operating procedure changes, routine operating equipment changes, or both, as long as the source submits to the Control Officer an administrative amendment application, a minor permit revision application, or a non-minor permit revision application before the source makes such changes.

The proposed revisions to Rule 220 allow a source with a Non-Title V permit to make modifications with either no paperwork or with minimal paperwork, so long as the source has applied for and has received an emissions cap as described in New Rule 201. Maricopa County recognizes that the issues raised regarding the proposed revisions to Rule 220 are complicated. However, Maricopa County's goal has always been and continues to be to allow a source with a Non-Title V permit more flexibility to make source changes while also protecting the public from health risks.

The following revisions to Rule 220 are being proposed in response to either comments made during Public Workshops or comments made to the Proposed Air Rule Organization Committee, a committee of Maricopa County Environmental Services Department Staff formed to review the clarity of the Maricopa County Air Pollution Control Regulations:

- Subsection 302.1b: Added the following text as recommended by EPA in written comments dated August 1, 1997:
 - b. Enforceable emission limitations and standards including those operational requirements and limitations that assure compliance with all applicable requirements at the time of issuance and that have been voluntarily accepted pursuant to Section 305 of this rule or that have been voluntarily accepted pursuant to Rule 201 of these rules.
- Subsection 302.1e(1): Changed text to match ADEQ R18-2-306(A)(8)(a) (Permit Contents).

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- Subsection 302.1e(3): Changed text to match ADEQ R18-2-306(A)(8)(c) (Permit Contents).
- Subsection 302.1e(7): Deleted Subsection 302.1(e)(7).
- Section 403: Deleted Section 403 (Source Changes Allowed Without Permit Revisions).
- "New" Section 403: Added Section 403 (Source Changes That Require Permit Revisions To Non-Title V Permits).
- "New" Section 404: Added Section 404 (Logging And Notification Requirements For Changes That Are Allowed Without A Prior Permit Revision).
- Subsection 405.1: Deleted Subsection 405.1 (Minor Permit Revisions).
- "New" Subsection 406.1: Added Subsection 406.1 (Minor Permit Revisions).
- "New" Subsection 406.3: Deleted "90" and added "Within 60" to the 1st sentence of Subsection 406.3.
- "New" Subsection 407.1: Added Subsection 407.1 to Section 407 (Non-Minor Permit Revisions).
- "New" Section 409: Added Section 409 (Amendments To A Permit).
- "New" Section 500: Added Section 500 (Monitoring And Records).

New Rule 347 (Ferrous Sand Casting)

New Rule 347 limits volatile organic compounds (VOCs) from the sand casting industry by limiting VOC emissions from the binder-material in casting-sand and from mold wash used to coat critical mold surfaces on molds. A facility is required either to reduce VOC emissions from these 2 general sources by using a control device or by strictly limiting both the ratio of organic compounds in the casting-sand and the amount of VOC in mold wash.

3. A demonstration of the grounds and evidence of compliance with A.R.S. §§ 49-112(A) or 49-112(B):

Based on information and belief, the Control Officer of the Maricopa County Environmental Services Department affirms the following:

A. Maricopa County is in compliance with A.R.S. § 49-112(A) in that Maricopa County Environmental Services Department is proposing to adopt rules that are not more stringent than nor are in addition to a provision of A.R.S. Title 49 or rules adopted by the Director of ADEQ or any Board or Commission authorized to adopt rules pursuant to A.R.S. Title 49.

Maricopa County fails to meet the National Ambient Air Quality Standards (NAAQS) for carbon monoxide (CO), ozone and particulates. In addition, Maricopa County is the only ozone nonattainment area in Arizona. Any changes to the Maricopa County Air Pollution Control Regulations that might incur due to revisions to Rule 100, Rule 200, Rule 210, and Rule 370 will address emission limitations which reduce concentrations of ozone and implement control measures proposed for inclusion in the State Implementation Plan (SIP) for the Maricopa County Nonattainment Area.

B. Maricopa County is in compliance with A.R.S. § 49-112(B) in that Maricopa County Environmental Services Department is proposing to adopt rules that are as stringent as a provision of A.R.S. Title 49 or rules adopted by the Director of ADEQ or any Board or Commission authorized to adopt rules pursuant to A.R.S. Title 49. The cost of obtaining permits or other approvals from Maricopa County will approximately equal or be less than the fee or cost of obtaining similar permits or approvals under Title 49 or any rule adopted pursuant to Title 49.

Maricopa County fails to meet the National Ambient Air Quality Standards (NAAQS) for carbon monoxide (CO), ozone and particulates. In addition, Maricopa County is the only ozone nonattainment area in Arizona. Maricopa County may adopt rules that are more stringent than the State pursuant to A.R.S. § 49-112 as enacted in 1994, provided that the emission standard is required by law or is necessary and feasible to prevent a significant threat to public health or the environment that results from a unique local condition.

4. Name and address of the person to whom persons may address questions or comments:

Name: Johanna Kuspert, Air Quality Planner (Rules 100, 201, 220)
Or
Rick Kramer-Howe, Air Quality Planner (New Rule 347)

Address: Maricopa County Environmental Services Department
Air Quality Division
1001 North Central Avenue, #201
Phoenix, Arizona 85004

Telephone: Johanna Kuspert (602) 506-6710 or Rick Kramer-Howe (602) 506-6706

Fax: (602) 506-6179

5. Where persons may obtain a full copy of the proposed rule, ordinance, or other regulation:

Location: Maricopa County Environmental Services Department

Address: Air Quality Division
1001 North Central Avenue, #201
Phoenix, Arizona 85004

Telephone: (602) 506-6010

Fax: (602) 506-6179

NOTICE OF PUBLIC HEARINGS ON PROPOSED RULEMAKING
Pursuant to A.R.S. § 49-112(A) or 49-112(B)

MARICOPA COUNTY
ENVIRONMENTAL SERVICES DEPARTMENT - AIR QUALITY DIVISION

1. Heading and number of the proposed rules, ordinances, or other regulations that are the subject of the public hearing:

Rule 100 (General Provisions And Definitions)

New Rule 201 (Emissions Caps)

Rule 220 (Non-Title V Permit Provisions)

New Rule 347 (Ferrous Sand Casting)

2. Date, time, and location of public hearing scheduled:

Date: Wednesday, March 4, 1998

Time: 9 a.m.

Location: Maricopa County Board of Supervisors Auditorium
301 West Jefferson Street, 10th Floor
Phoenix, Arizona

Nature Of Public Hearing: To discuss the Rules listed in question #1.

3. County personnel to whom questions and comments may be addressed:

Name: Johanna Kuspert, Air Quality Planner (Rules 100, 201, 220)
Or
Rick Kramer-Howe, Air Quality Planner (New Rule 347)

Address: Maricopa County Environmental Services Department
Air Quality Division
1001 North Central Avenue, #201
Phoenix, Arizona 85004

Telephone: Johanna Kuspert (602) 506-6710 or Rick Kramer-Howe (602) 506-6706

Fax: (602) 506-6179

4. Any other pertinent information concerning the above described rules, ordinances, or other regulations:

This Notice of Public Hearing relates to the County Notice of Proposed Rule which immediately precedes it.